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86TH CONGRESS
1ST SESSION

H. R. 1870

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1959

MR. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend the Act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security.

- 1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2 That the Act of August 26, 1950 (64 Stat. 476), is hereby
- 3 amended to read as follows: "That, notwithstanding the pro-
- 4 visions of section 6 of the Act of August 24, 1912 (37 Stat.
- 5 555), as amended (5 U. S. C. 652), or the provisions of
- 6 any other law, the head of any department or agency of the
- 7 United States Government may, in his absolute discretion
- 8 and when deemed necessary in the interest of national se-
- 9 curity, suspend, without pay, any civilian officer or employee

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1 of the Government. To the extent that such agency head
2 determines that the interests of the national safety and se-
3 curity permit, the employee concerned shall be notified of
4 the reasons for his suspension and within thirty days after
5 such notification any such person shall have an opportunity
6 to submit any statements or affidavits to the official designated
7 by the head of the agency concerned to show why he should
8 be reinstated or restored to duty. The agency head con-
9 cerned may, following such investigation and review as he
10 deems necessary, terminate the employment of such sus-
11 pended civilian officer or employee whenever he shall deter-
12 mine such termination necessary or advisable in the interest
13 of the national security of the United States: *Provided*,
14 That any employee having a permanent or indefinite appoint-
15 ment, and having completed his probationary or trial period,
16 who is a citizen of the United States whose employment is
17 suspended under the authority of this Act, shall be given
18 after his suspension and before his employment is terminated
19 under the authority of this Act, (1) a written statement
20 within thirty days after his suspension of the charges against
21 him, which shall be subject to amendment within thirty days
22 thereafter and which shall be stated as specifically as security
23 considerations permit; (2) an opportunity within thirty days
24 thereafter (plus an additional thirty days if the charges are
25 amended) to answer such charges and to submit affidavits;

1 (3) a hearing, at the employee's request, by a duly con-
2 stituted agency authority for this purpose; (4) a review of
3 his case by the agency head, or some official designated by
4 him, before a decision adverse to the employee is made final;
5 and (5) a written statement of the decision of the agency
6 head: *Provided further*, That any person whose employ-
7 ment is so suspended or terminated under the authority of
8 this Act may, in the discretion of the agency head concerned,
9 be reinstated or restored to duty, and if reinstated or restored,
10 by action of the agency head under this proviso or pursuant
11 to determination and decision of the Civil Service Commission
12 under section 4, shall be allowed compensation for all or any
13 part of the period of such suspension or termination in an
14 amount not to exceed the difference between the amount such
15 person would normally have earned during the period of such
16 suspension or termination, at the rate he was receiving on the
17 date of suspension or termination, as appropriate, and the
18 interim net earnings of such person: *Provided further*, That
19 nothing contained in this Act shall be deemed to require the
20 suspension of any civilian officer or employee prior to hearing
21 or termination: *Provided further*, That to the extent con-
22 sistent with the interest of the national security in the light
23 of the facts and circumstances of the particular case, the
24 department or agency head concerned shall utilize, in lieu of
25 other provisions of this Act or any Executive order issued

1 under this Act, the provisions of section 6 of the Act of
2 August 24, 1912, as amended by Public Law 623, Eightieth
3 Congress, and section 14 of the Veterans' Preference Act of
4 1944 in connection with the suspension or termination of
5 employment of any civilian officer or employee.

6 "SEC. 2. Nothing contained in this Act shall impair the
7 powers vested in the Atomic Energy Commission by the
8 Atomic Energy Act of 1954 or the requirements of section
9 161 of such Act that adequate provision be made for admin-
10 istrative review of any determination to dismiss any employee
11 of such Commission.

12 "SEC. 3. As used in this Act, 'national security' means
13 all governmental activities of the United States Government
14 involving the national safety and security, including but not
15 limited to activities concerned with the protection of the
16 United States from internal subversion or foreign aggression.
17 All employees of any department or agency of the United
18 States Government are deemed to be employed in an activity
19 of the Government involving national security.

20 "SEC. 4. It shall be the duty of the United States Civil
21 Service Commission, upon the request of any employee, to
22 review the decision, under this Act and under any Executive
23 order issued pursuant to this Act, of the agency head con-
24 cerned in the case of such employee with respect to the
25 validity, truth, and merits of the charges made and with re-

1 spect to the procedures followed. The Commission shall pre-
2 pare a written opinion and decision in each such case con-
3 taining its recommendations with respect to the decision of
4 the agency head. The Commission shall transmit its opinion
5 and decision to the agency head concerned for action in
6 accordance therewith. The determination by the Commis-
7 sion of any question or other matter connected with such
8 review shall be final and conclusive. If any member of the
9 Commission does not concur in such opinion and decision, he
10 may file a dissenting opinion."

86TH CONGRESS
1ST SESSION

H. R. 1870

A BILL

To amend the Act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security.

By Mr. MURRAY

JANUARY 9, 1959

Referred to the Committee on Post Office and Civil Service

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86TH CONGRESS
1ST SESSION

H. R. 7758

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1959

Mr. MORRISON introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To improve the administration of overseas activities of the Government of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
2 That this Act may be cited as the "Overseas Differentials and
3 Allowances Act".

5 TITLE I—PURPOSE AND DEFINITIONS

6 PART A—PURPOSE

7 SEC. 101. The Congress hereby declares that it is the
8 purpose of this Act to improve and strengthen the adminis-
9 tration of overseas activities of the Government by—

10 (1) providing a means for more effectively com-
11 pensating Government employees for the extra costs and
12 hardships incident to their assignments overseas,

1 (2) providing for the uniform treatment of Gov-
2 ernment employees stationed overseas to the extent
3 justified by relative conditions of employment,

4 (3) establishing the basis for the more efficient and
5 equitable administration of the laws compensating Gov-
6 ernment employees for the extra costs and hardships
7 incident to their assignments overseas, and

8 (4) facilitating for the Government the recruit-
9 ment and retention of the best qualified personnel for
10 civilian service overseas.

11 PART B—DEFINITIONS

12 SEC. 111. As used in this title, title II, and section
13 522 of title V, the term—

14 (1) “Government” means the Government of the
15 United States of America;

16 (2) “Government agency” means (A) each executive
17 department of the Government, (B) each independent estab-
18 lishment or agency in the executive branch of the Govern-
19 ment, including each corporation wholly owned (either
20 directly or through one or more corporations) by the Gov-
21 ernment, and (C) the General Accounting Office;

22 (3) “Employee” means an individual employed in the
23 civilian service of a Government agency and more specifi-
24 cally defined in regulations prescribed by the President, but
25 including ambassadors, ministers, and officers of the For-

1 eign Service of the United States under the Department of
2 State;

3 (4) "United States", when used in a geographical sense,
4 means the several States of the United States of America
5 and the District of Columbia;

6 (5) "Continental United States" means the several
7 States of the United States of America, excluding Alaska
8 and Hawaii but including the District of Columbia; and

9 (6) "Foreign area" means any area (including the
10 Trust Territory of the Pacific Islands) situated outside the
11 United States, the Commonwealth of Puerto Rico, the Canal
12 Zone, and the possessions of the United States.

13 **TITLE II—ALLOWANCES AND DIFFERENTIALS
14 IN FOREIGN AREAS**

15 **PART A—GENERAL PROVISIONS**

16 SEC. 201. Notwithstanding section 1765 of the Revised
17 Statutes (5 U.S.C. 70), the allowances and differentials
18 provided by this title are authorized for and may be granted
19 only to an employee officially stationed in a foreign area
20 unless otherwise provided in this title—

21 (1) who is a citizen of the United States; and
22 (2) whose rate of basic compensation is fixed by
23 statute or, without taking into consideration the allow-
24 ances and differentials provided by this title, is fixed by
25 administrative action pursuant to law or is fixed

1 administratively in conformity with rates paid by the
2 Government for work of a comparable level of difficulty
3 and responsibility in the continental United States,
4 except that such allowances and differentials may be paid to
5 an employee officially stationed in a foreign area who is not
6 a citizen of the United States to the extent that the payment
7 of such allowances and differentials to such non-citizen em-
8 ployee is authorized by any provision of law other than this
9 title.

10 SEC. 202. Allowances granted under this title may be
11 paid in advance, or advance of funds may be made therefor,
12 through the proper disbursing officer in such sums as may
13 be deemed advisable in consideration of the need and the
14 period of time during which expenditures must be made in
15 advance by the employee or employees. Any advance of
16 funds not subsequently covered by allowances accrued to
17 the employee or employees under this title shall be recover-
18 able by the Government by setoff against accrued salary,
19 pay, compensation, amount of retirement credit, or other
20 amount due from the Government to such employee or
21 employees and by such other method as may be provided by
22 law for the recovery of amounts owing to the Government.

23 SEC. 203. The allowances and differentials authorized
24 by this title shall be paid in accordance with regulations
25 prescribed by the President establishing rules governing pay-

1 ments thereof and the respective rates at which such pay-
2 ments shall be made, the foreign areas, the groups of posi-
3 tions, and the categories of employees to which such rates
4 shall apply, and other related matters.

5 PART B—QUARTERS ALLOWANCES

6 SEC. 211. Whenever Government-owned or Govern-
7 ment-rented quarters are not provided without charge for
8 an employee in a foreign area, one or more of the following
9 quarters allowances may be granted to such employee where
10 applicable:

11 (1) A temporary lodging allowance for the reason-
12 able cost of temporary quarters incurred by the employee
13 and his family (A) for a period not in excess of three
14 months after first arrival at a new post of assignment in a
15 foreign area or a period ending with the occupation of resi-
16 dence quarters, whichever shall be shorter, and (B) for a
17 period of not more than one month immediately preceding
18 final departure from the post subsequent to the necessary
19 evacuation of residence quarters;

20 (2) A living quarters allowance for rent, heat, light,
21 fuel, gas, electricity, and water, without regard to the limi-
22 tations of section 3648 of the Revised Statutes, as amended
23 (31 U.S.C. 529); and

24 (3) Under unusual circumstances payment or reim-
25 bursement for extraordinary, necessary, and reasonable ex-

1 penses, not otherwise compensated for, incurred in initial re-
2 pairs, alterations, and improvements to an employee's
3 privately leased residence at a post of assignment in a foreign
4 area, if such expenses are administratively approved in ad-
5 vance and if the duration and terms of the lease justify
6 payment of such expenses by the Government.

7 PART C—COST-OF-LIVING ALLOWANCES

8 SEC. 221. The following cost-of-living allowances may
9 be granted, where applicable, to an employee in a foreign
10 area:

11 (1) A post allowance to offset the difference between
12 the cost of living at the post of assignment of the employee
13 in a foreign area and the cost of living in Washington, Dis-
14 trict of Columbia;

15 (2) A transfer allowance for extraordinary, necessary,
16 and reasonable expenses, not otherwise compensated for,
17 incurred by an employee incident to establishing himself at
18 any post of assignment in a foreign area or at a post of
19 assignment in the United States between assignments to
20 posts in foreign areas;

21 (3) A separate maintenance allowance to assist an em-
22 ployee who is compelled, by reason of dangerous, notably
23 unhealthful, or excessively adverse living conditions at his
24 post of assignment in a foreign area or for the convenience
25 of the Government, to meet the additional expense of main-

1 taining, elsewhere than at such post, his wife or his de-
2 pendents, or both;

3 (4) An education allowance or payment of transporta-
4 tion costs to assist an employee with the extraordinary and
5 necessary expenses, not otherwise compensated for, incurred
6 by reason of his service in any foreign area or foreign areas
7 in providing adequate education for his dependents, as
8 follows:

9 (A) An allowance not to exceed the cost of obtain-
10 ing such elementary and secondary educational services as
11 are ordinarily provided without charge by the public schools
12 in the United States, plus, in those cases where adequate
13 schools are not available at the employee's post, board and
14 room, and periodic transportation between such post and
15 the nearest locality, where adequate schools are available,
16 without regard to the limitations of section 3648 of the
17 Revised Statutes, as amended (31 U.S.C. 529); but the
18 amount of the allowance granted shall be determined on the
19 basis of the educational facility used;

20 (B) The cost of transporting dependents of an em-
21 ployee to and from a school in the United States to obtain
22 an American secondary or undergraduate college education,
23 not to exceed one trip each way for each dependent for the
24 purpose of obtaining each type of education; but no allow-
25 ance payments under subparagraph (A) of this paragraph

1. (4) shall be made for any dependent during the twelve
2 months following his arrival in the United States for sec-
3 ondary education pursuant to authority contained in this
4 subparagraph (B). Notwithstanding section 111(6) of
5 this Act, transportation, for the purpose of obtaining under-
6 graduate college education, may be authorized under this
7 subparagraph (B), under such regulations as the President
8 may prescribe, for dependents of employees who are citizens
9 of the United States stationed in the Canal Zone.

10 **PART D—POST DIFFERENTIAL**

11 SEC. 231. A post differential may be granted on the
12 basis of conditions of environment which differ substantially
13 from conditions of environment in the continental United
14 States and warrant additional compensation as a recruit-
15 ment and retention incentive. Such differential also may be
16 granted to any employee who is officially stationed in the
17 United States and who is on extended detail in a foreign area.
18 Additional compensation paid as a post differential shall not
19 in any instance exceed 25 per centum of the rate of basic
20 compensation.

21 **TITLE III—MISCELLANEOUS EXPENSES**

22 **PART A—REPRESENTATION EXPENSES**

23 SEC. 301. The Administrative Expenses Act of 1946
24 (60 Stat. 806), as amended, is amended by adding at the
25 end thereof the following new section:

1 “SEC. 22. Under such regulations as the President may
2 prescribe, funds available to the departments for administra-
3 tive expenses may be allotted to posts in foreign countries
4 and to resident missions to international organizations for
5 representation purposes in the promotion of official policies
6 and programs.”

7 PART B—STORAGE

8 SEC. 311. (a) Paragraphs (4) and (5) of section 911
9 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (4)
10 and (5)) are amended to read as follows:

“(4) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

“(5) the cost of packing and unpacking, transport-

1 ing to and from a place of storage, and storing the
2 furniture and household and personal effects of an officer
3 or employee of the Service in connection with assign-
4 ment or transfer to a new post, from the date of his
5 departure from his last post or from the date of his
6 departure from his place of residence in the case of a
7 new officer or employee and for not to exceed three
8 months after arrival at the new post, or until the
9 establishment of residence quarters, whichever shall be
10 shorter; and, in connection with separation of an officer
11 or employee of the Service, the cost of packing and un-
12 packing, transporting to and from a place of storage, and
13 storing for a period not to exceed three months, his
14 furniture and household and personal effects; but in no
15 instance shall the weight or volume of the effects stored
16 together with the weight or volume of the effects trans-
17 ported exceed the maximum limitations fixed by regu-
18 lations, when not otherwise fixed by law."

19 (b) Paragraphs (1) (D) and (E) of section 4 of the
20 Central Intelligence Agency Act of 1949 (63 Stat. 209,
21 72 Stat. 337; 50 U.S.C. 403e(a) (1) (D) and (E)) are
22 amended to read as follows:

23 “(D) pay the cost of packing and unpacking,
24 transporting to and from a place of storage, and storing
25 the furniture and household and personal effects of an

1 officer or employee of the Agency, when he is absent
2 from his post of assignment under orders, or when he is
3 assigned to a post to which he cannot take or at which
4 he is unable to use such furniture and household and
5 personal effects, or when it is in the public interest or
6 more economical to authorize storage; but in no instance
7 shall the weight or volume of the effects stored together
8 with the weight or volume of the effects transported
9 exceed the maximum limitations fixed by regulations,
10 when not otherwise fixed by law;

11 “(E) pay the cost of packing and unpacking, trans-
12 porting to and from a place of storage, and storing the
13 furniture and household and personal effects of an officer
14 or employee of the Agency in connection with assign-
15 ment or transfer to a new post, from the date of his de-
16 parture from his last post or from the date of his de-
17 parture from his place of residence in the case of a
18 new officer or employee and for not to exceed three
19 months after arrival at the new post, or until the es-
20 tablishment of residence quarters, whichever shall be
21 shorter; and in connection with separation of an officer
22 or employee of the Agency, the cost of packing and
23 unpacking, transporting to and from a place of storage,
24 and storing for a period not to exceed three months, his
25 furniture and household and personal effects; but in no

1 instance shall the weight or volume of the effects stored
2 together with the weight or volume of the effects trans-
3 ported exceed the maximum limitations fixed by regu-
4 lations, when not otherwise fixed by law."

5 (c) The first section of the Administrative Expenses
6 Act of 1946 (60 Stat. 806), as amended (5 U.S.C. 73b-1),
7 is amended—

8 (1) by striking out "(not to exceed seven thousand
9 pounds if uncrated or eight thousand seven hundred and
10 fifty pounds if crated or the equivalent thereof when
11 transportation charges are based on cubic measure-
12 ment)" in subsection (a) of such section and inserting
13 in lieu thereof "(not to exceed seven thousand pounds
14 net weight)"; and

15 (2) by adding at the end of such section the follow-
16 ing new subsection:

17 "(e) Whenever any civilian officer or employee (in-
18 cluding any new appointee in accordance with section 7 of
19 this Act) is assigned to a permanent duty station outside the
20 continental United States to which he cannot take or at
21 which he is unable to use his household goods and personal
22 effects or whenever the head of the department concerned
23 authorizes storage of any such property in the public interest
24 or for reasons of economy, storage expenses (including re-
25 lated transportation and other expenses) may be allowed

1 such officer or employee in accordance with regulations pre-
2 scribed by the President; but in no instance shall the weight
3 of the property stored under this subsection, together with
4 the weight of property transported under subsection (a), ex-
5 ceed the maximum weight limitation provided by subsection
6 (a)."

7 (d) The term "furniture and household and personal
8 effects", as used in the amendments made by this part to
9 the Foreign Service Act of 1946, as amended, and the Cen-
10 tral Intelligence Agency Act of 1949, as amended, and the
11 term "household goods and personal effects", as used in the
12 amendments made by this part to the Administrative Ex-
13 penses Act of 1946, as amended, mean such personal prop-
14 erty of an employee and the dependents of such employee
15 as the Secretary of State and the Director of Central Intelli-
16 gence, as the case may be, with respect to the term "furni-
17 ture and household and personal effects", and the President,
18 with respect to the term "household goods and personal
19 effects", shall by regulation authorize to be transported or
20 stored under the amendments made by this part to such Acts
21 (including, in emergencies, motor vehicles authorized to be
22 shipped at Government expense). Such motor vehicles shall
23 be excluded from the weight and volume limitations pre-
24 scribed by the laws set forth in this part.

1 PART C—OFFICIAL RESIDENCE EXPENSES

2 SEC. 321. (a) The Administrative Expenses Act of
3 1946 (60 Stat. 806), as amended, is amended by adding
4 thereto, immediately following the new section 22 added to
5 such Act by section 301 of this Act, the following new
6 section:

7 "SEC. 23. Under such regulations as the President may
8 prescribe, funds available to the departments for admin-
9 istrative expenses may be allotted to posts in foreign coun-
10 tries for the purpose of defraying the unusual expenses inci-
11 dent to the operation and maintenance of official residences
12 suitable for the chief representatives of the United States at
13 such posts and such other senior officials of this Government
14 in foreign countries as the President may designate."

15 (b) Section 8 of the United Nations Participation Act
16 of 1945, as amended (22 U.S.C. 287e), is amended by
17 striking out "and the allotment of funds, similar to the
18 allotment authorized by section 902 of the Foreign Service
19 Act of 1946, for unusual expenses incident to the operation
20 and maintenance of such living quarters, to be accounted for
21 in accordance with section 903 of said Act;" and inserting in
22 lieu thereof "and unusual expenses similar to those authorized
23 by section 23 of the Administrative Expenses Act of 1946,
24 as amended by section 321 of the Overseas Differentials and

1 Allowances Act, incident to the operation and maintenance
2 of such living quarters;".

3 PART D—TRANSPORTATION OF MOTOR VEHICLES

4 SEC. 331. The first section of the Administrative Ex-
5 penses Act of 1946 (60 Stat. 806), as amended (5 U.S.C.
6 73b-1), is amended by adding thereto, immediately follow-
7 ing the new subsection (e) added to such first section by
8 section 311(c) of this Act, the following new subsection:

9 "(f) Under such regulations as the President may pre-
10 scribe, the privately owned motor vehicle of any employee
11 (including any new appointee, in accordance with section
12 7 of this Act) assigned to a post of duty outside the conti-
13 nental United States on other than temporary duty orders
14 may be transported to, from, and between the continental
15 United States and such post of duty, or between posts of
16 duty outside the continental United States, whenever it is
17 determined by the head of the department concerned to be
18 in the interest of the Government for such employee to have
19 the use of a motor vehicle at his post of duty. Not more
20 than one motor vehicle of any employee may be transported
21 under authority of this subsection during any four-year pe-
22 riod, except that, as a replacement for such motor vehicle,
23 one additional motor vehicle of any employee may be so
24 transported during such period upon approval, in advance,

1 by the head of the department concerned and upon a deter-
2 mination, in advance, by such department head that such
3 replacement is necessary for reasons beyond the control of
4 the employee and is in the interest of the Government. After
5 the expiration of a period of four years following the date
6 of transportation under authority of this subsection of a
7 privately owned motor vehicle of any employee who has
8 remained in continuous service outside the continental United
9 States during such period, the transportation of a replace-
10 ment for such motor vehicle for such employee may be
11 authorized, in accordance with this subsection, by the head of
12 the department concerned. The head of each department
13 may, in accordance with this subsection, authorize the trans-
14 portation of privately owned motor vehicles of employees
15 of such department, assigned to duty outside the continental
16 United States, by commercial means if available at reason-
17 able rates and under reasonable conditions or by Govern-
18 ment means on a space-available basis. This subsection shall
19 not apply to the Foreign Service of the United States under
20 the Department of State and to the Central Intelligence
21 Agency but shall not affect the authority contained in sec-
22 tion 913 of the Foreign Service Act of 1946 (60 Stat.
23 1027; 22 U.S.C. 1138) or paragraph (4) of section 4
24 of the Central Intelligence Agency Act of 1949 (63 Stat.
25 210, 72 Stat. 337; 50 U.S.C. 403e (a) (4))."

1 SEC. 332. Section 913 of the Foreign Service Act of
2 1946 (60 Stat. 1027; 22 U.S.C. 1138) is amended to read
3 as follows:

4 “TRANSPORTATION OF MOTOR VEHICLES

5 “SEC. 913. The Secretary may, notwithstanding the
6 provisions of any other law, transport for or on behalf of an
7 officer or employee of the Service, a privately owned motor
8 vehicle in any case in which he shall determine that water,
9 rail, or air transportation of the motor vehicle is necessary
10 or expedient for all or any part of the distance between
11 points of origin and destination. Not more than one motor
12 vehicle of any such officer or employee may be transported
13 under authority of this section during any four-year period,
14 except that, as a replacement for such motor vehicle, one
15 additional motor vehicle of any such officer or employee may
16 be so transported during such period upon approval, in ad-
17 vance, by the Secretary and upon a determination, in advance,
18 by the Secretary that such replacement is necessary for
19 reasons beyond the control of the officer or employee and
20 is in the interest of the Government. After the expiration
21 of a period of four years following the date of transportation
22 under authority of this section of a privately owned motor
23 vehicle of any officer or employee who has remained in
24 continuous service outside the continental United States (ex-
25 cluding Alaska and Hawaii) during such period, the trans-

1 portation of a replacement for such motor vehicle for such
2 officer or employee may be authorized by the Secretary in
3 accordance with this section."

4 SEC. 333. (a) That part of section 4 (a) of the Cen-
5 tral Intelligence Agency Act of 1949, as amended (63 Stat.
6 209, 73 Stat. 337; 50 U.S.C. 403e), which precedes para-
7 graph (1) thereof, is amended—

8 (1) by striking out "(a)"; and

9 (2) by striking out "permanent-duty stations out-
10 side the continental United States, its territories, and
11 possessions," and inserting in lieu thereof "duty stations
12 outside the several States of the United States of Ameri-
13 ca, excluding Alaska and Hawaii, but including the
14 District of Columbia,".

15 (b) Paragraph (4) of section 4 of the Central Intelli-
16 gency Agency Act of 1949, as amended (63 Stat. 210, 73
17 Stat. 337; 50 U.S.C. 403e(a)(4)), is amended to read
18 as follows:

19 "(4) Notwithstanding the provisions of any other
20 law, transport for or on behalf of an officer or employee
21 of the Agency, a privately owned motor vehicle in any
22 case in which it shall be determined that water, rail, or
23 air transportation of the motor vehicle is necessary or
24 expedient for all or any part of the distance between
25 points of origin and destination, and pay the costs of

1 such transportation. Not more than one motor vehicle
2 of any officer or employee of the Agency may be trans-
3 ported under authority of this paragraph during any
4 four-year period, except that, as a replacement for such
5 motor vehicle, one additional motor vehicle of any such
6 officer or employee may be so transported during such
7 period upon approval, in advance, by the Director and
8 upon a determination, in advance, by the Director that
9 such replacement is necessary for reasons beyond the
10 control of the officer or employee and is in the interest
11 of the Government. After the expiration of a period of
12 four years following the date of transportation under au-
13 thority of this paragraph of a privately owned motor
14 vehicle of any officer or employee who has remained in
15 continuous service outside the several States of the
16 United States of America, excluding Alaska and Hawaii,
17 but including the District of Columbia, during such pe-
18 riod, the transportation of a replacement for such motor
19 vehicle for such officer or employee may be authorized
20 by the Director in accordance with this paragraph."

21 TITLE IV—AMENDMENTS TO ANNUAL AND SICK
22 LEAVE ACT OF 1951

23 SEC. 401. Subsections (d), (e), and (f) of section 203
24 of the Annual and Sick Leave Act of 1951, as amended

1 (5 U.S.C. 2062 (d), (e), and (f)), are amended to
2 read as follows:

3 "(d) Notwithstanding the provisions of subsection (c),
4 a maximum accumulation not to exceed forty-five days at
5 the beginning of the first complete biweekly pay period, or
6 corresponding pay period in the case of an officer or em-
7 ployee who is not paid on the basis of biweekly pay periods,
8 in any year is authorized for the following categories of em-
9 ployees of the Federal Government stationed outside the
10 United States:

11 "(1) Persons directly recruited or transferred by the
12 Federal Government (A) from the United States, or (B)
13 from the Commonwealth of Puerto Rico or the possessions
14 of the United States for employment outside the area of re-
15 cruitment or from which transferred.

16 "(2) Persons employed locally but (A) (i) who were
17 originally recruited from the United States, or from the
18 Commonwealth of Puerto Rico or the possessions of the
19 United States but outside the area of employment, (ii) who
20 have been in substantially continuous employment by other
21 Federal agencies, United States firms, interests or organiza-
22 tions, international organizations in which the United States
23 Government participates, or foreign governments, and (iii)
24 whose conditions of employment provide for their return
25 transportation to the United States or the Commonwealth of

1 Puerto Rico or the possessions of the United States, or
2 (B) (i) who were at the time of employment temporarily
3 absent, for the purpose of travel or formal study, from the
4 United States, or from their respective places of residence in
5 the Commonwealth of Puerto Rico or the possessions of the
6 United States and (ii) who, during such temporary absence,
7 have maintained residence in the United States or in the Com-
8 monwealth of Puerto Rico or the possessions of the United
9 States but outside the area of employment.

10 "(3) Persons who are not normally residents of the
11 area concerned and who are discharged from service in the
12 Armed Forces of the United States to accept employment
13 with an agency of the Federal Government.

14 "(e) The leave granted pursuant to this title shall be
15 exclusive of the time actually and necessarily occupied in
16 going to and from the post of duty and exclusive of such
17 time as may be necessarily occupied in awaiting transporta-
18 tion, in the case of an officer or employee (1) who is within
19 the purview of subsection (d) of this section, (2) whose
20 post of duty is outside the United States, and (3) who
21 returns on leave to the United States, or to his place of
22 residence, which is outside the area of employment, in the
23 Commonwealth of Puerto Rico or the possessions of the
24 United States. The provisions of this subsection shall not

1 apply to more than one period of leave in a prescribed tour
2 of duty at a post outside the United States.

3 "(f) Upon completion of twenty-four months of
4 continuous service outside the United States, officers
5 and employees may be granted, in accordance with regula-
6 tions of the President, leave of absence at a rate not to
7 exceed one week for each four months of such service
8 without regard to any other leave provided by this title, for
9 use in the United States, or, if their respective places of
10 residence are outside the area of employment, in the Com-
11 monwealth of Puerto Rico or the possessions of the United
12 States. Such leave so granted may be accumulated for
13 future use without regard to the limitation in subsection
14 (d) of this section but no such leave shall be made the
15 basis for any terminal leave or for any lump-sum payment."

16 SEC. 402. (a) Section 202 (b) (2) of the Annual and
17 Sick Leave Act of 1951, as amended (5 U.S.C. 2061 (b)
18 (2)), is amended to read as follows:

19 "(2) This title, except section 203 (g), shall not apply
20 to alien employees who occupy positions outside the United
21 States."

22 (b) Section 203 (g) of such Act, as amended (5 U.S.C.
23 2062 (g)), is amended by striking out "the several States and
24 the District of Columbia" and inserting in lieu thereof "the
25 United States".

1 (c) Section 202 of such Act, as amended (5 U.S.C.
2 2061), is amended by adding at the end of such section
3 the following new subsection:

4 “(d) As used in this title, the term ‘United States’
5 means the several States of the United States of America
6 and the District of Columbia.”

7 SEC. 403. The amendments made by this title to the
8 Annual and Sick Leave Act of 1951, as amended, shall take
9 effect on the first day of the first pay period following the
10 date of enactment of this Act.

11 TITLE V—APPROPRIATION, REPEAL, AMENDA-
12 TORY, AND MISCELLANEOUS PROVISIONS

13 PART A—APPROPRIATION PROVISIONS

14 SEC. 501. (a) There are hereby authorized to be ap-
15 propriated such sums as may be necessary to carry out the
16 purposes of this Act and the amendments made by this Act.

17 (b) Appropriations or funds otherwise available, for
18 the fiscal year ending June 30, 1960, to any department,
19 agency, establishment or corporation of the Government of
20 the United States of America within the purview of this
21 Act or of any amendment made by this Act are hereby made
22 available for the purposes of this Act and of any such
23 amendment in accordance with the authority contained in
24 this Act or contained in any law amended by this Act and

1 in accordance with such regulations as the President may
2 prescribe.

3 PART B—REPEAL AND AMENDATORY PROVISIONS

4 SEC. 511. (a) The following provisions of law are
5 hereby repealed:

6 (1) Sections 443, 901, 902, 903, and 911(9) of the
7 Foreign Service Act of 1946, as amended (60 Stat. 1006,
8 1025, and 1026; 69 Stat. 27; 22 U.S.C. 888, 1131, 1132,
9 1133, and 1136(9)) ;

10 (2) Sections 2(b), 13, and 14 of the Act entitled "An
11 Act to provide certain basic authority for the Department
12 of State", approved August 1, 1956 (70 Stat. 890, 892;
13 Public Law 885, Eighty-fourth Congress; 5 U.S.C. 170g
14 (b), 170r, and 170s) ; and

15 (3) Sections 1(d) and 4 (b) of the Central Intelli-
16 gence Agency Act of 1949, as amended (63 Stat. 208 and
17 211; 50 U.S.C. 403a(d) and 403e(b)) .

18 (b) Any provision of law which is not repealed by sub-
19 section (a) of this section but is inconsistent with any pro-
20 vision of this Act or of any amendment made by this Act
21 shall be held and considered to be amended, modified, or
22 superseded to the extent necessary to carry out the purposes
23 of and conform to such provision of this Act or of such
24 amendment.

25 (c) (1) Section 1(c) of the Central Intelligence
26 Agency Act of 1949 (63 Stat. 208; 50 U.S.C. 403a(c))

1 is amended by striking out "Government; and" and insert-
2 ing in lieu thereof "Government."

3 (2) Paragraph (1) (A) of section 4 of the Central
4 Intelligence Agency Act of 1949, as amended (63 Stat. 209;
5 72 Stat. 337; 50 U.S.C. 403e(a) (1) (A)), is amended to
6 read as follows:

7 "(1) (A) pay the travel expenses of officers and
8 employees of the Agency, including expenses incurred
9 while traveling pursuant to authorized home leave;".

10 (3) Paragraph (3) (A) of section 4 of such Act (63
11 Stat. 209 and 210; 72 Stat. 337; 50 U.S.C. 403e(a) (3)
12 (A)) is amended to read as follows:

13 "(3) (A) Order to any of the several States of
14 the United States of America (including the District of
15 Columbia, the Commonwealth of Puerto Rico, and any
16 territory or possession of the United States) on leave
17 of absence each officer or employee of the Agency who
18 was a resident of the United States (as described above)
19 at time of employment, upon completion of two years'
20 continuous service abroad, or as soon as possible there-
21 after."

22 (4) Paragraph (3) (B) of section 4 of such Act (63
23 Stat. 210; 72 Stat. 337; 50 U.S.C. 403e(a) (3) (B)) is
24 amended to read as follows:

25 "(B) While in the United States (as described in

1 paragraph (3) (A) of this section) on leave, the service
2 of any officer or employee shall be available for work or
3 duties in the Agency or elsewhere as the Director may
4 prescribe; and the time of such work or duty shall not be
5 counted as leave."

6 (5) Paragraph (3) (C) of section 4 of such Act (63
7 Stat. 210; 72 Stat. 337; 50 U.S.C. 403e(a)(3)(C)) is
8 amended to read as follows:

9 "(C) Where an officer or employee on leave returns
10 to the United States (as described in paragraph (3) (A)
11 of this section), leave of absence granted shall be ex-
12 clusive of the time actually and necessarily occupied in
13 going to and from the United States (as so described)
14 and such time as may be necessarily occupied in awaiting
15 transportation."

16 (6) The Act entitled "An Act to provide living quarters,
17 including heat, fuel, and light, for civilian officers and em-
18 ployees of the Government stationed in foreign countries",
19 approved June 26, 1930 (46 Stat. 818; Public Law 445,
20 Seventy-first Congress; 5 U.S.C. 118a), is amended—

21 (A) by striking out "and, where such quarters are
22 not available, may be granted an allowance for living
23 quarters, including heat, fuel, and light, notwithstanding
24 the provisions of section 1765 of the Revised Statutes
25 (U.S.C., title 5, sec. 70)"; and

1 (B) by striking out that part of the first proviso of
2 such Act of June 26, 1930, which reads "or allowances
3 in lieu thereof".

4 PART C—MISCELLANEOUS PROVISIONS

5 SEC. 521. Whenever reference is made in any other
6 law or in any regulation to any provision of law which is re-
7 pealed, modified, amended, or superseded by reason of sec-
8 tion 511 of this Act, such reference, unless inconsistent
9 with this Act, shall be held and considered to refer to this
10 Act or the appropriate provision of, or amendment made by,
11 this Act.

12 SEC. 522. Notwithstanding any provision of this Act
13 and until such time as regulations are issued under this
14 Act, employees shall continue to be paid allowances and dif-
15 ferentials in accordance with rules and regulations issued pur-
16 suant to the laws in effect immediately prior to the enactment
17 of this Act and such rules and regulations may be amended
18 or revoked in accordance with the provisions of such laws.

19 SEC. 523. (a) Section 912 of the Internal Revenue
20 Code of 1954 (relating to exemption for certain allowances)
21 is amended to read as follows:

22 **"SEC. 912. EXEMPTIONS FOR CERTAIN ALLOWANCES.**

23 "The following items shall not be included in gross in-
24 come, and shall be exempt from taxation under this subtitle:

25 "(1) FOREIGN AREAS ALLOWANCES.—In the case

1 of civilian officers and employees of the Government of
2 the United States, amounts received as allowances or
3 otherwise (but not amounts received as post differen-
4 tials) under—

5 “(A) title IX of the Foreign Service Act of
6 1946, as amended (22 U.S.C., sec. 1131 and
7 following),

8 “(B) section 4 of the Central Intelligence
9 Agency Act of 1949, as amended (50 U.S.C., sec.
10 403e),

11 “(C) title II of the Overseas Differentials and
12 Allowances Act, or

13 “(D) subsection (a), (e), or (f) of the first
14 section of the Administrative Expenses Act of 1946,
15 as amended, or section 22 or 23 of such Act.

16 “(2) COST-OF-LIVING ALLOWANCES.—In the case
17 of civilian officers or employees of the Government of
18 the United States stationed outside the continental
19 United States (other than Alaska), amounts (other than
20 amounts received under title II of the Overseas Differen-
21 tials and Allowances Act) received as cost-of-living
22 allowances in accordance with regulations approved by
23 the President.

24 “(3) EXPENSES OF TRAVEL AND TRANSPORTA-
25 TION.—In the case of civilian officers and employees of

1 the Government of the United States, amounts received
2 as expenses of travel and transportation, or costs of
3 transportation provided in lieu thereof, from posts of
4 duty outside the continental United States (other than
5 Alaska), to and from their respective places of residence,
6 authorized by section 7 of the Administrative Expenses
7 Act of 1946, as amended (5 U.S.C., sec. 73b-3)."

8 (b) Paragraphs (1) and (2) of section 912 of the
9 Internal Revenue Code of 1954, as amended by subsec-
10 tion (a) of this section, shall apply only with respect to
11 amounts received on or after the date of the enactment of
12 this Act in taxable years ending on or after such date. Para-
13 graph (3) of section 912 of the Internal Revenue Code of
14 1954, as amended by subsection (a) of this section, shall
15 apply only with respect to amounts received after Decem-
16 ber 31, 1958, in taxable years ending after such date.

86TH CONGRESS
1ST SESSION

H. R. 7758

A BILL

To improve the administration of overseas activities of the Government of the United States, and for other purposes.

By Mr. Morrison

JUNE 16, 1959

Referred to the Committee on Post Office and Civil Service